

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**MIDWEST INSURANCE COMPANY,
AN ILLINOIS INSURANCE CORPORATION**

PLAINTIFF

V.

NO. 4:21cv079-DMB-JMV

**DONAHOO HEATING & COOLING, LLC,
A MISSISSIPPI LLC**

DEFENDANT

ORDER

Before this court is the Plaintiff's Motion to Compel Discovery. [25]. The court has considered the motion, as well as the Defendant's response [27], along with applicable law. As explained below, the motion will be granted in part and denied in part.

Plaintiff filed its Motion to Compel [25] seeking responses to Interrogatories and Requests for Production which were propounded to Defendant on September 28, 2021. Plaintiff submitted a Rule 37(a) good faith letter dated February 7, 2022, noting Defendant's failure to respond to discovery. [25] Exs. A and B. The Plaintiff requests that the Defendant respond to the pending discovery on or before February 28, 2022, and sanctions in the amount of \$500 pursuant to Rule 37(a)(4) of the Federal Rules of Civil Procedure. [25]. Counsel for Defendant responded by citing to "present caseload" and Covid-19 related health issues, etc. as the for the failure to timely respond to the Plaintiff's discovery request and requests until February 28, 2022, to do so. [27].

Under Fed. R. Civ. P. 37, the district court has discretion to impose sanctions on a party for failure to respond to discovery requests. *See Akin v. Q-L Investments, Inc.*, 959 F.2d 521, 535 (5th Cir. 1992) ("[C]ourt has broad discretion to fashion an appropriate sanction"); *Sciambra v. Graham News Co.*, 841 F.2d 651, 655 (5th Cir.), cert. denied, 488 U.S. 855 (1988).

The court will exercise its discretion and deny the request for monetary sanctions at this time. However, the Defendant must provide complete responses without boilerplate objections to the propounded Interrogatories and Requests for Production or before February 28, 2022.

SO ORDERED, this, the 28th day of February, 2022.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE